

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

**PLAINTIFF STATES'
PROPOSED PRELIMINARY
INJUNCTION ORDER**

PROPOSED ORDER

Having considered Plaintiff States' Motion for Provisional Relief, ECF No. __, IT IS
HEREBY ORDERED THAT:

- 1) Plaintiff States have shown good cause for a preliminary injunction. Plaintiff
States have shown that (a) they are likely to succeed on the merits of their claims
that Defendants' termination of the Deferred Action for Childhood Arrivals

(“DACA”) program violates the Administrative Procedure Act, the Regulatory Flexibility Act, and the equal protection guarantee of the U.S. Constitution, (b) Defendants’ termination has led to and will cause more irreparable harm to the Plaintiff States and their residents, absent provisional relief; and (c) both the public interest and balance of equities weigh in favor of provisional relief that reverses Defendants’ termination and restores the conditions existing prior to Defendants’ termination of DACA.

- 2) Defendants are enjoined, nationwide, from terminating DACA, or any portion thereof.
- 3) Defendants are directed to immediately reinstate the implementation of the DACA program, nationwide, to conditions in existence prior to Defendants’ termination, using the same means, methods, and policies for considering and granting requests for deferred action, employment authorization, and advance parole as were utilized prior to Defendants’ termination of DACA, including without limitation:
 - i. restoration of eligibility for initial requests for deferred action and associated employment authorization;
 - ii. restoration of eligibility for renewal requests for deferred action and associated employment authorization; and
 - iii. restoration of eligibility for requests for advance parole.

SO ORDERED, this __ day of _____, 2018.

Honorable Nicholas G. Garaufis
United States District Judge